



United States Attorney  
Southern District of New York

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New York, New York 10007

January 14, 2008

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**BY FACSIMILE**

The Honorable Paul A. Crotty  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: United States v. Daniel DeJesus Cedeno,  
07 Cr. 964 (PAC)

Dear Judge Crotty:

I write regarding the hearing on the defendant's motion to dismiss the indictment in the above-captioned matter, which is currently scheduled for Thursday, January 17, 2008, at 2:30 p.m. As argued in the Government's response brief, the only factual issue in dispute – whether the defendant entered the United States via Miami International Airport in 1990 and again in 1992 – is an issue that must be left for the jury to decide at trial. Accordingly, an evidentiary hearing would be inappropriate at this time, and the Government respectfully requests that it be removed from the calendar. Should the Court require oral argument on the legal issues raised in the defendant's motion, the Government respectfully requests that the Court grant a one-week adjournment of the hearing date until Wednesday, January 23, 2008, or another date that is convenient for the Court.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By: Christian R. Everdell / NJL  
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cc: Susana Abarca, Esq. (by fax)

*The Court will decide the matter on the papers submitted. There is no need for oral argument. The next conference will be held on 2/6/2008 and thus until that conference date will be excluded as it is in the interests of justice to do so. Sordersal*  
*Paul H. Crotty*  
*U.S.D.J.*

MEMO ENDORSED

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